

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LEONARDO DEBESS WELLS, SR.,

Plaintiff(s),

v.

CAROLYN W. COLVIN,

Defendant(s).

Case No. 2:13-CV-529 JCM (PAL)

ORDER

Presently before the court is *pro se* plaintiff Leonardo DeBess Wells, Sr.'s (hereinafter "plaintiff") motion to withdraw or dismiss complaint, motion, and response. (Doc. # 42). Defendant Michael J. Astrue (hereinafter "defendant") did not file a response, and the deadline to respond has now passed.

This is a social security case. Plaintiff filed his complaint with this court on March 27, 2013, seeking review of the Social Security Administration's denial of benefits. (Doc. # 7). On March 24, 2014, plaintiff filed a motion to reverse or remand. (Doc. # 30). Defendant filed a response, (doc. # 35), and cross-motion to affirm, (doc. # 34). Plaintiff then filed a response to the cross-motion to affirm, (doc. # 36), and a reply to defendant's response to the motion to remand, (doc. # 37). These motions are currently pending before the magistrate judge.

On March 18, 2015, plaintiff filed the instant motion, entitled: "Notice of withdrawal or dismissal of complaint, motion and response." (Doc. # 42). In his motion, plaintiff states that he withdraws his complaint, motion, and response, as well as any answer, responsive motion, or counter motion. (Doc. # 42).


1 Pursuant to District of Nevada Local Rule 7-2(d), “the failure of an opposing party to file  
2 points and authorities in response to any motion shall constitute a consent to the granting of the  
3 motion.” LR 7-2(d). However, the court will not automatically grant every unopposed motion.  
4 Instead, the court must weigh the following factors before dismissing the action: (1) the public’s  
5 interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the  
6 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their  
7 merits; and (5) the availability of less drastic sanctions. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.  
8 1995). In consideration of these factors, the court finds that dismissal is appropriate.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s motion to  
11 withdraw or dismiss complaint, motion, and response, (doc. # 42), be, and the same hereby is,  
12 GRANTED. Plaintiff’s complaint is hereby DISMISSED.

13 The clerk shall close the case.

14 DATED April 14, 2015.

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16 UNITED STATES DISTRICT JUDGE  
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